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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,386	01/04/2005	Stefan Karlsson	P15271-US1	3691

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EXAMINER	
ZAIDI, SYED	

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/502,386	KARLSSON, STEFAN	
	Examiner	Art Unit	
	Syed Zaidi	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 21- 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Danford-Klein et al.,** (U.S.Patent # 6,041,318) in further view of **McCann et al.,** (U.S. Publication Number 6,778,524 B1).

Consider claim 21, Danford-Klein et al., discloses and shows a method of a method for determining rating data for services in a communications network, characterized by the steps of: accessing data associated with a service or a subscriber sending a rating request (column 4 lines 23-42, figure # 1 elements 10, 12, 14, 16, 18), including said accessed data (column 3 lines 20-27), to a distributed rating means for distributed rating based on distributed rating data related to said service (column 3 lines 20-27, figure # 1

elements 10, 12, 14, 16, 18) or subscriber, receiving resulting rating data from said distributed rating means (column 7 lines 21-37, figure # 5 elements 18, 59, 62, 64, 66, 68), and determining a rating value for charging said subscriber based on said received rating data (column 3 lines 23-37, figure # 4 elements 18, 59, 58, 52, 48, 54, 60, 56). However **Danford-Klein et al.,** fails to show a subscriber.

In the same field of endeavor, **McCann et al.,** show and disclose a subscriber (paragraph 0017 lines 5-21, figure # 1 and element 100).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the a subscriber as taught by **McCann et al.,** in the method of **Danford-Klein et al.,** to allow data access in the event of route failures.

Consider claim 22, as applied to claim 21 above, **Danford-Klein et al.,** and as modified by **McCann et al.,** clearly shows and discloses the method, wherein characterized in that said distributed rating means is operated by a service provider, content provider, or

value added service provider (column 3 lines 23-37, figure # 4). However **Danford-Klein et al.,** fails to show a distributed scriber.

In the same field of endeavor, **McCann et al.,** show and disclose a distributed scribe (paragraph 0017 lines 5-21, figure # 1 and element 100).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the a subscriber as taught by **McCann et al.,** in the method of **Danford-Klein et al.,** to allow data access in the event of route failures.

Consider claim 23, as applied to claim 21 above, **Danford-Klein et al.,** and as modified by **McCann et al.,** clearly shows and discloses the method, wherein characterized in that said rating request is sent from central rating means operated by a network operator (column 4 lines 23-42, figure # 14).

Consider claim 24, as applied to claim 21 above, **Danford-Klein et al.,** and as modified by **McCann et al.,** clearly shows and discloses the method, wherein characterized by, before the step of

sending said rating request, the further step of determining pre-rating data (column 3 lines 20-38, figure # 1 and element 18).

Consider claim 25, as applied to claim 21 above, **Danford-Klein et al.,** and as modified by **McCann et al.,** clearly shows and discloses the method, wherein characterized by, before the step of charging said account, the further step of determining final-rating data (column 3 lines 5-10, figure # 1 and element 18).

Consider claim 26, as applied to claim 21 above, **Danford-Klein et al.,** and as modified by **McCann et al.,** clearly shows and discloses the method, wherein characterized in that said raging value is determined based on said pre-rating data(column 3 lines 20-27, figure # 5 and element 68) distributed rating data from said distributed rating means, and final-rating data (column 6 lines 31-42, figure # 4 and element 58).

Claim 27, is rejected under 35 U.S.C. 103(a) as being unpatentable over **Danford-Klein et al.,** (U.S.Patent # 6,041,318) in

further view of **McCann et al.,** (U.S. Publication Number 6,778,524 B1).

Consider claim 27, Danford-Klein et al., discloses and shows a method of a method for determining rating data for services in a communications network, characterized by the steps of: receiving data associated with a service or subscriber from central rating means accessing and determining rating data for said service (column 3 lines 20-27, figure # 1 elements 10, 12, 14, 16, 18) or subscriber based on distributed rating data related (column 7 lines 21-37, figure # 5 elements 18, 59, 62, 64, 66, 68) to said service or subscriber and on said received data for transmission to said central rating means. However **Danford-Klein et al.,** fails to show a distributed scriber.

In the same field of endeavor, **McCann et al.,** show and disclose a distributed scribe (paragraph 0017 lines 5-21, figure # 1 and element 100).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the a

subscriber as taught by **McCann et al.,** in the method of **Danford-Klein et al.,** to allow data access in the event of route failures.

Consider claim 28, as applied to claim 27 above, **Danford-Klein et al.,** and as modified by **McCann et al.,** clearly shows and discloses the method, wherein characterized in that said distributed rating data is accessed and determined by distributed rating means (column 7 lines 21-38, figure # 5 elements 18, 59, 62, 64, 66, 68).

Consider claim 29, as applied to claim 28 above, **Danford-Klein et al.,** and as modified by **McCann et al.,** clearly shows and discloses the method, wherein characterized in that said distributed rating means) is operated by a service provider, content provider (column 7 lines 27-37, figure # 5 elements 18, 59, 62, 64, 66, 68).

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Danford-Klein et al.,** (U.S. Patent # 6,041,318) in view of **McCann et al.,** (U.S. Publication Number 2001/0029182 A1)

and in further view of **Goodman et al.,** (U.S. Publication Number 2003/0058800 A1).

Consider claim 30, as applied to claim 27 above, **Danford-Klein et al.,** and as modified by **McCann et al.,** clearly shows and discloses the method, wherein characterized in that said central rating means is operated by a network operator 13). However **Danford-Klein et al.,** and as modified by **McCann et al.,** fails to show a rating means is operated by a network operator.

In the same field of endeavor, **Goodman et al.,** show and disclose a rating means is operated by a network operator (paragraph 0032 lines 1-4, figure # 2 and element 210).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the a rating means is operated by a network operator as taught by **Goodman et al.,** in the method of **Danford-Klein et al.,** and as modified by **McCann et al.,** to allow data access in the event of route failures.

These are cancelled.

Claims 31, 16, 18 and 19 are rejected under 35U.S.C. 103(a) as being unpatentable over **Danford-Klein et al.,** (U.S.Patent # 6,041,318) in further view of **Motohashi et al.,** (U.S. Patent Number 5,946,670).

Consider claim 31, Danford-Klein et al., discloses and shows a distributed rating system for determining rating data for pre-paid services in a communications network characterized by central rating means including a computer apparatus adapted to access service data associated with a service or subscriber (column 4 lines 30-60, figure # 2 elements 12, 22, 34, 28) send a rating request, including said accessed data (column 3 lines 20-27, figure # 2 elements 12, 22, 34, 28) to a distributed rating means for distributed rating based on distributed rating data related to said service or subscriber (column 4 lines 23-42, figure # 1 elements 10, 12, 14, 18) receive resulting rating data from said distributed rating means, and determine a rating value for charging a pre-paid account of said subscriber based on said received rating data. However **Danford-Klein et al.,** fails to show a value for charging a pre-paid account of said subscriber based on said received rating data.

In the same field of endeavor, **Motohashi et al.,** show and disclose a rating means is operated by a network operator (column 9 lines 41-47, figure # 16 elements S3-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the a value for charging a pre-paid account of said subscriber based on said received rating data is operated by a network operator as taught by **Motohashi et al.,** in the method of **Danford-Klein et al.,** to allow data access in the event of route failures.

Claims 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Danford-Klein et al.,** (U.S.Patent # 6,041,318) in view of **Motohashi et al.,** (U.S. Patent Number 5,946,679) and in further view of **McCann et al.,** (U.S. Publication Number 2001/0029182 A1).

Consider claim 32, as applied to claim 31 above, **Danford-Klein et al.,** and as modified by **Motohashi et al.,** clearly shows and disclose a system wherein a distributed rating system, wherein said system is a mobile communication system. However **Danford-Klein**

et al., and as modified by **Motohashi et al.,** fails to show said system is a mobile communication system.

In the same field of endeavor, **McCann et al.,** show and disclose a said system is a mobile communication system.rating means is operated by a network operator (paragraph 0003 lines 1-4, figure # 1 and element s 110).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the a said system is a mobile communication system as taught by , **McCann et al.,** in the method of **Danford-Klein et al.,** and as modified by **Motohashi et al.,** to allow data access in the event of route failures.

Consider claim 33, as applied to claim 31 above, **Danford-Klein et al.,** and as modified by **Motohashi et al.,** clearly shows and disclose a system wherein a distributed rating system said system is an IN/CAMEL system (column 4 lines 30-42, figure # 1 elements 12, 12, 14, 16, 18 and element IN/Application 16 is running on server application).

Claims 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Danford-Klein et al.,** (U.S.Patent # 6,041,318) in view of **Motohashi et al.,** (U.S. Patent Number 5,946,679) and in further view of **Frazee.** (U.S. Patent Number 6,829,596).

Consider claim 34, as applied to claim 31 above, **Danford-Klein et al.,** and as modified by **Motohashi et al.,** clearly show and disclose a system wherein said service is a prepaid service.However **Danford-Klein et al.,** and as modified by **Motohashi et al.,** fails to show a service is a prepaid service.

In the same field of endeavor, **Frazee.** show and disclose a service is a prepaid service (column 2 lines 12-22, figure # 1 elements 12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the a service is a prepaid service as taught by **Frazee.** in the method of **Danford-Klein et al.,** and as modified by **Motohashi et al.,** to allow data access in the event of route failures

Consider claim 35, as applied to claim 31 above, **Danford-Klein et al.,** and as modified by **Motohashi et al.,** clearly show and discloses a system wherein, said service is an electronic commerce/payment service (column 4 lines 30-42, figure # 1 elements 12).

Consider claim 36, as applied to claim 31 above, **Danford-Klein et al.,** and as modified by **Motohashi et al.,** clearly show and discloses a system wherein, said resulting rating data is cost per time unit or data volume, per event, per content, a set of tariff data including cost, duration/volume, time/volume interval, or a specific scaling factor (column 6 lines 58-67, figure # 5 elements 59, 18, 62, 64, 68).

Consider claim 37, Danford-Klein et al., discloses and shows a distributed rating system for determining rating data for pre-paid services in a communications network characterized by distributed rating means (16,19,21) including a computer apparatus adapted to receive data associated with a service or subscriber from central

rating means (14,17,20) access and determining rating data for said service or subscribed on distributed rating data related to said service or subscriber and on said received service data for transmission to said central rating means (column 3 lines 23-37, figure # 4 elements 18, 59, 58, 52, 48, 54, 60, 56). However **Danford-Klein et al.,** fails to show a subscriber.

In the same field of endeavor, **McCann et al.,** show and disclose a subscriber (paragraph 0017 lines 5-21, figure # 1 and element 100).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the a subscriber as taught by **McCann et al.,** in the method of **Danford-Klein et al.,** to allow data access in the event of route failures.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Eriksson.** (US Pub #2005/0013297 A1) discloses an control system and communication systems that make it possible to transport traffic in connection-

oriented mode using the network infrastructure and hardware of a traditionally connectionless network. **Yu Shaohua** (US Patent # 7,031,341 B2) discloses an interfacing apparatus and method for adopting Ethernet directly to physical channel.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Syed Zaidi whose telephone number is (571) 270-1779. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are Unsuccessful, the Examiner's supervisor, Seema S. Rao can be reached on (571) 270-3174. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ customer service whose telephone number is (571) 272-2600.

Syed S. Zaidi

Syed Zaidi
S.Z/sz
November 28, 2007.

12/10/07

WING CHAN
SUPERVISORY PATENT EXAMINER